

Remarks/Arguments

This paper is being filed in response to the Official Action of the Examiner mailed June 16, 2006, setting a three-month shortened statutory period for response ending September 16, 2006. Claims 1-30 and 32-36 remain pending. Claim 31 has been canceled without prejudice, and claims 33-36 are newly presented. Reconsideration, examination and allowance of all pending claims are respectfully requested.

Compact Prosecution

Applicant is entitled to compact prosecution before the USPTO. To date, the Patent Office has issued six (6) office actions in the present application. In addition, Applicant has filed two (2) Notice of Appeals: one with a full Appeal Brief and one with a Pre-Appeal Brief Request for Review. In both cases, the Patent Office has withdrawn the final office action and issued a new first Office Action. It would seem that at this point that the Patent Office has had adequate time to search and examine the merits of this application.

MPEP § 707.02 states:

707.02 Applications Up for Third Action and 5-Year Applications [R-2]

The supervisory patent examiners should impress their assistants with the fact that the shortest path to the final disposition of an application is by finding the best references on the first search and carefully applying them.

The supervisory patent examiners are expected to personally check on the pendency of every application which is up for the third or subsequent *Office< action with a view to finally concluding its prosecution.

Any application that has been pending five years should be carefully studied by the supervisory patent examiner and every effort >should be< made to terminate its prosecution. In order to accomplish this result, the application is to be considered "special" by the examiner (emphasis added).

(Emphasis Added). As noted above, the present application has had six (6) office actions issued to date, which is far more than the three (3) mentioned in MPEP § 707.02. In addition, the present application will be pending for five (5) years on October 19, 2006, which is in about one month from the filing of this Amendment. In view of MPEP § 707.02, ***Applicant respectfully requests that the supervisory patent examiner look toward finally concluding prosecution in this application, and if this application is still pending on October 19, 2006, make this application “special”.***

Brief Discussion of Robbins

The Examiner continues to rely on Robbins in the rejections of all pending claims as suggesting a method for tracking delivery items, including: obtaining the location of the delivery lot of goods (shipment; [0018]) at one or more points in time during the delivery of said delivery lot of goods [0037]; and providing the location information of the delivery lot (shipment) to the contributor (shipper) at one or more points in time [0037]. (see, for example, current Office Action, page 3, page 5, page 6, page 7, page 8, page 10, and page 11).

The Examiner has taken the same position in all six (6) office actions issued to date. In each response, the Applicant has clearly pointed out that Robbins does not disclose, teach or suggest what the Examiner is suggesting. The Examiner has never responded to Applicants arguments in any of the previous Office Actions, and continues to ignore the rather obvious defects of Robbins.

For example, and as repeatedly pointed out by the Applicant, Robbins relates to a package delivery tracking system for use by shippers and recipients. Paragraph [0018] of Robbins, which the Examiner cites, states:

The present invention relates to a system for providing tracking data

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regarding packages that are being or have been transported by a carrier from a shipper to a receiver. As used in this application, the terms "package," "parcel," "shipment," and "item" refer to any object or set of objects sent from one entity to another via a courier or delivery service, regardless of what encloses the item (e.g., an envelope or box) or what entity transports it (e.g., postal service, Federal Express, United Parcel Service, etc.).

As can be seen, the shipper of Robbins would clearly correspond to the charitable organization itself. That is, it is the charitable organization that actually ships cash, goods or services to people in need, and not the contributor. In the Examiner's remarks, the Examiner attempts to equate the contributor of, for example, claim 1 with the shipper of Robbins. However, the contributor of claim 1 certainly does not "ship" the goods to the ultimate destination (e.g. Mexico for Project PH0001, and Armenia for American Red Cross – Annual Report: Survival on the Far Side of the World). Rather, the contributor merely provides a donation to, for example, the Projects for Hope or Red Cross organization, and the Projects for Hope or Red Cross organization actually ships the goods and/or services to the ultimate desired destination.

Notably, Robbins only appears to provide the shipper and receiver with the tracking data. As it relates to Projects for Hope, Robbins would thus, if anything, allow the Projects for Hope organization and the receiver (presumably an organization in, for example, Mexico for project PH0001) to access the tracking data of goods and/or services sent by the Projects for Hope organization. Likewise, as it relates to the Red Cross, Robbins would, if anything, allow the Red Cross organization and the receiver (presumably an organization in, for example, Armenia) to access the tracking data of goods and/or services sent by the Red Cross organization.

Robbins clearly does not teach, disclose or suggest providing tracking data to a contributor, such as a contributor of donations to the Projects for Hope or Red Cross organization. More particularly, Projects for Hope/Red Cross and Robbins, taken either alone or in combination, clearly do not teach, disclose or suggest: receiving either directly or indirectly a donation from a contributor; assigning the donation to a delivery lot; delivering the delivery lot to one or more people in need; obtaining the location of the delivery lot at one or more points in

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time; or providing the location of the delivery lot to the contributor (e.g. the contributor whose donation was assigned to the delivery lot) at one or more points in time, as recited in claim 1.

Notably, the flaw in the Examiner's reading of Robbins is further evidenced on, for example, page 5 of the present Office Action, wherein the Examiner states:

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope to include delivering said delivery lot; and that said reporting step includes obtaining the location of said delivery lot at one or more points in time during the delivery of said delivery lot; and providing the location of the delivery lot to the contributor at one or more points in time, as disclosed by Robbins, because it would advantageously allow the use said method for managing and monitoring the delivery status of plurality of various shipments, tens or hundreds of which may be en route at any give time (Robbins; [0004]).

(emphasis added). As can be seen, the Examiner first equates the shipper with the contributor, which as detailed above, is clearly improper. Then, the Examiner states that the reason for providing the location of the delivery lot to the contributor is “for managing and monitoring the delivery status of plurality of various shipments, tens or hundreds of which may be en route at any give time”. However, only the shipper (and not the contributor) would be interested in “managing and monitoring the delivery status of plurality of various shipments, tens or hundreds of which may be en route at any give time.” For these and other reasons, the Applicant believes that the Examiner's reading and application of Robbins is clearly erroneous.

Applicant's position with respect to Robbins has been set forth in every response to every one of the five previous office actions, as well in the Appeal Brief filed on March 8, 2005 and in the Pre-Appeal Brief Request for Review filed on February 24, 2006. Notably, the Examiner has never responded to Applicant's arguments, and even in the current office action, the Examiner relies on Robbins in the same way. ***If the Examiner elects to continue to rely on Robbins in this manner, Applicant respectfully request that the Examiner fully respond to Applicant's remarks.***

Rejections under 35 U.S.C. § 112

On page 2 of the Office Action, the Examiner rejected claims 1-32 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As per claims 1, 20, 24, 25, 30 and 32, the Examiner states that the preambles indicate that the method is for “increasing the participation of contributors”. However, the Examiner states that the bodies of the claims are silent regarding said “increasing the participation of contributors”, and therefore, fails to meet the stated purpose (emphasis added).

Applicant must respectfully disagree that the claims fail to meet the stated purpose. The present specification states, for example:

The present invention provides methods and systems for increasing the participation of contributors of charities and other non-profits. By increasing the participation of the contributors, it is believed that the contributors will make more donations to the charities and other non-profits. In addition, by providing increased participation, it may be easier to attract contributors to a particular charity or other non-profit, which may help the charity or other non-profit gain a greater market share of the limited charitable donations given each year.

In one illustrative embodiment, the participation of a contributor is increased by allowing the contributor to track their donation, or goods and/or services assigned to their donation, to an ultimate destination. In one example, the organization receives a donation from a contributor. The organization assigns the donation to a delivery lot of cash, goods and/or services. Then, the location of the delivery lot is obtained at one or more points in time, such as at selected ports of call, at the end of each shipping leg, or at any other intermediate or end point along the distribution path. The location information of the delivery lot is provided to the contributors.

(Specification, page 2, lines 5-19) (emphasis added). Claim 1, as amended, recites:

1. (Currently Amended) A computer assisted method for increasing the participation of contributors that provide donations to an organization, wherein the organization helps provide cash, goods and/or services to one or more charitable organizations and/or one or more people in need, the method comprising the steps of:
receiving either directly or indirectly a donation from a contributor;
assigning the donation to a delivery lot ~~of goods and/or services~~;
delivering the delivery lot ~~of goods and/or services~~ to one or more people in need;
obtaining the location of the delivery lot at one or more points in time; and
providing the location of the delivery lot to the contributor at one or more points in time;
wherein a computer processor assists in performing one or more of the receiving, assigning, obtaining and providing steps.

As detailed in the specification, and in one illustrative embodiment, the participation of contributors that provide donations is “increased” by, for example, performing the steps recited in claim 1.

Applicant does not know of any requirement under 35 U.S.C. § 112, second paragraph, that the body of the claim must specifically repeat the stated purpose in the preamble, as the Examiner appears to be suggesting. In fact, it is clear from the specification that the method of claim 1 does indeed meet the stated purpose. Moreover, in *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976), the court held that the preamble was only directed to the purpose of the process, and that the steps could stand alone and did not depend on the preamble for completeness.) [cited in MPEP § 2111.02]).

In view of the foregoing, claim 1 is believed to fully comply with 35 U.S.C. § 112,

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second paragraph. For similar and other reasons, independent claims 20, 24, 25, 30 and 32 are also believed to fully comply with 35 U.S.C. § 112, second paragraph.

In Applicant's Amendment dated September 6, 2005, Applicant respectfully requested that the Examiner provide some authority that supports the Examiner position that the stated purpose in the preamble must be repeated in the body of the claim. In the present Office Action, the Examiner has maintained the rejection, but has still failed to provide or cite any authority whatsoever to support the rejection. *If the Examiner elects to maintain this rejection, Applicant again respectfully requests that the Examiner provide some authority for the Examiner's position.*

Also on page 2 of the Office Action, and with respect to claims 1, 20, 24, 25, 30 and 32, the Examiner states that the language "delivering the delivery lot of goods and/or services" is confusing. The Examiner states that it is not clear how services can be delivered in a delivery lot. Although Applicant respectfully disagrees with the Examiner, claims 1, 20, 24, 25, 30 and 32 have been amended to be more general recite "delivery lot". As such, Applicant believes that this rejection has been overcome.

With respect to claims 1, 20 and 24, the Examiner states that the language "receiving directly or indirectly" is confusing because it is not clear what difference in functionality is considered as recited in the claims. Applicant respectfully traverses this rejection. Claim 1 recites the step of "receiving either directly or indirectly a donation from a contributor". That is, a donation can be received either directly from contributor or indirectly from a contributor, and

still be within the scope of the claim. The Examiner is correct in that these claims are intended to cover all ways of receiving donations from contributors, either directly or indirectly. The Examiner is reminded that the breadth of a claim is not be equated with indefiniteness. MPEP § 2173.04 states:

2173.04 Breadth Is Not Indefiniteness

Breadth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph.

Undue breadth of the claim may be addressed under different statutory provisions, depending on the reasons for concluding that the claim is too broad. If the claim is too broad because it does not set forth that which applicants regard as their invention as evidenced by statements outside of the application as filed, a rejection under 35 U.S.C. 112, second paragraph, would be appropriate. If the claim is too broad because it is not supported by the original description or by an enabling disclosure, a rejection under 35 U.S.C. 112, first paragraph, would be appropriate. If the claim is too broad because it reads on the prior art, a rejection under either 35 U.S.C. 102 or 103 would be appropriate.

In the present case, the scope of the subject matter embraced by these claims is clear. The Examiner recites a couple of examples where he concluded it would be unclear whether the donation was received directly or indirectly. In the present case, it does not matter whether the specific examples recited by the Examiner would fall into the direct or indirect category, because the scope of the claims is intended to cover both. As can readily be seen, the scope of the subject matter embraced by these claims is clear. As such, and pursuant to MPEP § 2173.04, claims 1, 20 and 24 are believed to fully comply with 35 U.S.C. 112, second paragraph.

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At the bottom of page 2 of the Office Action, and with respect to claim 10, the Examiner states that it is not clear to what extent cash represents goods and/or services. Applicant respectfully disagrees. It would seem clear that goods could clearly be cash. However, in the interest of moving this case along, and in the spirit of cooperation, claim 10 has been amended to recite that the delivery lot includes cash.

On page 3 of the Office Action, and with respect to claims 15-16, the Examiner states that it is not clear how both goods and services can be included in one delivery lot. Although Applicant respectfully disagrees with the Examiner that claims 15-16 are confusing, in the interest of moving this case along, claims 15-16 has been amended to remove the phrase “and/or services”.

Rejections under 35 U.S.C. § 103

On page 3 of the Office Action, the Examiner rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Robbins in view of American Red Cross – Annual Report: Survival on the Far Side of the World (hereinafter Red Cross). The Examiner states that Robbins suggests a method for tracking delivery items, including: obtaining the location of the delivery lot of goods at one or more points in time [citing paragraph [0037]; and providing the location information of the delivery lot (shipment) to the contributor (shipper) [0037].

The Examiner acknowledges that Robbins does not teach that the method is utilized for delivery goods for people in need (donations). However, the Examiner states that Red Cross

suggests reporting to the public (contributors) regarding a delivery of packages of food and household essentials to Azerbaijan and Armenian families in need. The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Robbins to include that the method for tracking of the delivery of items is utilized for delivering goods for people in need (donations), as disclosed in Red Cross, because it would advantageously simplify the access of the contributors to the status of the shipment, thereby providing a convenience for the contributors.

Applicant must respectfully disagree. As detailed above in the Brief Discussion of Robbins section above, Robbins clearly does not teach, disclose or suggest obtaining the location of the delivery lot of goods (shipment; [0018]) at one or more points in time [0037]; and providing the location information of the delivery lot (shipment) to the contributor (shipper) [0037], as the Examiner suggests.

As previously repeatedly pointed out, Robbins relates to a package delivery tracking system for use by shippers and recipients. Paragraph [0018] of Robbins states:

The present invention relates to a system for providing tracking data regarding packages that are being or have been transported by a carrier from a shipper to a receiver. As used in this application, the terms "package," "parcel," "shipment," and "item" refer to any object or set of objects sent from one entity to another via a courier or delivery service, regardless of what encloses the item (e.g., an envelope or box) or what entity transports it (e.g., postal service, Federal Express, United Parcel Service, etc.).

As can be seen, the shipper of Robbins would clearly correspond to the charitable organization itself (e.g. Red Cross). That is, it is the charitable organization that actually ships cash, goods or

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services to people in need, and not the contributor. In the Examiner's remarks, the Examiner attempts to equate the contributor of, for example, claim 32 with the shipper of Robbins. However, the contributor of claim 32 clearly does not "ship" the goods to the ultimate destination (e.g. Armenia for American Red Cross – Annual Report: Survival on the Far Side of the World). Rather, the contributor merely provides a donation to, for example, the Red Cross organization, and it is the Red Cross organization that actually ships the goods and/or services to the ultimate desired destination.

Notably, Robbins only appears to provide the shipper and receiver with the tracking data. As it relates to the Red Cross reference, Robbins would allow the Red Cross organization and the receiver (presumably an organization in, for example, Armenia) to access the tracking data of goods and/or services sent by the Red Cross organization.

As can readily be seen, Robbins clearly does not teach, disclose or suggest providing tracking data to a contributor, such as a contributor of donations to the Red Cross organization. More particularly, the Red Cross reference and Robbins, taken either alone or in combination, clearly do not teach, disclose or suggest: obtaining the location of the delivery lot of goods and/or services at one or more points in time; providing the location of the delivery lot either directly or indirectly to the contributor, as recited in claim 32.

Notably, the flaw in the Examiner's reading of Robbins is further evidenced on, for example, page 5 of the present Office Action, wherein the Examiner states:

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope to include delivering

said delivery lot; and that said reporting step includes obtaining the location of said delivery lot at one or more points in time during the delivery of said delivery lot; and providing the location of the delivery lot to the contributor at one or more points in time, as disclosed by Robbins, because it would advantageously allow the use said method for managing and monitoring the delivery status of plurality of various shipments, tens or hundreds of which may be en route at any give time (Robbins; [0004]).

(emphasis added). As can be seen, the Examiner first equates the shipper with the contributor, which as detailed above, is clearly improper. Then, the Examiner states that the reason for providing the location of the delivery lot to the contributor is “for managing and monitoring the delivery status of plurality of various shipments, tens or hundreds of which may be en route at any give time”. However, only the shipper (e.g. the Red Cross, and not the contributor) would be interested in “managing and monitoring the delivery status of plurality of various shipments, tens or hundreds of which may be en route at any give time.” For these and other reasons, the Applicant believes that the Examiner’s reading and application of Robbins is clearly erroneous.

Despite the foregoing, Applicant has elected to clarify claim 32 as follows:

32. (Currently Amended) A computer assisted method for increasing the participation of contributors that provide donations, ~~wherein the donations are assigned to one or more delivery lots of goods and/or services~~, the method comprising:

receiving either directly or indirectly a donation from a contributor,
wherein the donation is not initially designated as corresponding to any particular resource request of a charity or other non-profit;

assigning the donation to a delivery lot;
obtaining the location of the delivery lot ~~of goods and/or services~~ at one or more points in time; and
providing the location of the delivery lot either directly or indirectly to the contributor;

wherein a computer processor assists in performing one or more of the obtaining and providing steps.

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Clearly, neither Robbins nor the Red Cross reference teach, disclose or suggest receiving either directly or indirectly a donation from a contributor, wherein the donation is not initially designated as corresponding to any particular resource request of a charity or other non-profit, and assigning the donation to a delivery lot. Furthermore, and as detailed above, the combination of Robbins and the Red Cross reference do not teach, disclose or suggest obtaining the location of the delivery lot at one or more points in time, and providing the location of the delivery lot either directly or indirectly to the contributor, as recited in claim 32. For these and other reasons, claim 32 is believed to be clearly patentable over Robbins in view of the Red Cross Document.

On page 4 of the Office Action, the Examiner rejected claims 1-26 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Episcopal Relief and Development; Project for Hope in view of Robbins. With respect to independent claims 1, 20 and 24, the Examiner states Project for Hope appears to show a web site wherein a plurality of contributors can make a donation including goods and/or services to individuals or organizations. The Examiner states that Project for Hope appears to present a list of delivery lots (projects), each delivery lot (project) includes a description of goods or services needed, funds necessary for each delivery lot (project) and destination of each delivery lot (project). Furthermore, the Examiner states that Project for Hope provides means for receiving donations from contributors.

The Examiner now states that while Project for Hope indicates a "Completed" status of a project, thereby indicating a reporting step, Project for Hope does not teach that the reporting

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step includes reporting information related to the delivery of the delivery lot to contributors.

However, the Examiner states that Robbins suggests a method for tracking delivery items, including: obtaining the location of the delivery lot of goods (shipment; [0018]) at one or more points in time during the delivery of said delivery lot of goods [0037]; and providing the location information of the delivery lot (shipment) to the contributor (shipper) at one or more points in time [0037].

The Examiner then concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope to include delivering said delivery lot; and that said reporting step includes obtaining the location of the delivery lot at one or more points in time during the delivery of said delivery lot; and providing the location of the delivery lot to the contributor at one or more points in time as disclosed by Robbins, because it would advantageously allow to use said method for managing and monitoring the delivery status of plurality of various shipments, tens or hundreds of which may be en route at any give time (Robbins; [0004]).

Applicant notes this is substantially the same rejection that was made in the Office Action dated December 12, 2005, which in response, Applicant filed a Notice of Appeal and a Pre-Appeal Brief Request for Review. No comments were given by the Examiner in response to Applicants remarks made in the Pre-Appeal Brief Request for Review, but rather, this new Office Action was issued – apparently with the same basic rejection of these claims.

As in the Pre-Appeal Brief Request for Review filed February 24, 2006, Applicant must

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respectfully disagree. Claim 1 recites:

1. (Currently Amended) A computer assisted method for increasing the participation of contributors that provide donations to an organization, wherein the organization helps provide cash, goods and/or services to one or more charitable organizations and/or one or more people in need, the method comprising the steps of:
 - receiving either directly or indirectly a donation from a contributor;
 - assigning the donation to a delivery lot ~~of goods and/or services~~;
 - delivering the delivery lot ~~of goods and/or services~~ to one or more people in need;
 - obtaining the location of the delivery lot at one or more points in time; and
 - providing the location of the delivery lot to the contributor at one or more points in time;
 - wherein a computer processor assists in performing one or more of the receiving, assigning, obtaining and providing steps.

As can be seen, claim 1 recites the steps of: receiving either directly or indirectly a donation from a contributor; assigning the donation to a delivery lot; delivering the delivery lot to one or more people in need; obtaining the location of the delivery lot at one or more points in time; and providing the location of the delivery lot to the contributor at one or more points in time. Contrary to the Examiner's assertions, Project for Hope and Robbins do not disclose or suggest many of these steps.

Projects for Hope only refers to "projects". The Examiner attempts to equate the "projects" of Projects for Hope with the "delivery lots" of claim 1. However, Projects for Hope does not indicate how the goods and/or services are actually "delivered" to an ultimate destination. For example, a particular "project" of Projects for Hope may correspond to multiple delivery lots delivered over time. There is simply no disclosure that correlates the "projects" of

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Projects for Hope with any actually "delivery lots". Clearly, Projects for Hope does not teach, disclose or suggest receiving a donation from a contributor, and assigning the donation to a delivery lot, and in particular, a delivery lot that can have its location obtained at one or more points in time and provided to a contributor of that delivery lot.

Moreover, it would appear that Projects for Hope would not have an assigning step. That is, if anything, the contributor would appear to directly contribute to a selected project, and therefore there would be no assigning step as recited in claim 1.

The Examiner acknowledges that Project for Hope does not teach obtaining the location of the delivery lot of goods at one or more points in time during the delivery of said delivery lot; or providing the location of the delivery lot to the contributor at one or more points in time. However, the Examiner states that Robbins suggests a method for tracking delivery items, including: obtaining the location of the delivery lot of goods (shipment; [0018]) at one or more points in time during the delivery of said delivery lot of goods [0037]; and providing the location information of the delivery lot (shipment) to the contributor (shipper) at one or more points in time [0037].

Applicant must respectfully disagree. As detailed above in the Brief Discussion of Robbins section above, Robbins relates to a package delivery tracking system for use by shippers and recipients. Paragraph [0018] of Robbins, which the Examiner cites, states:

The present invention relates to a system for providing tracking data regarding packages that are being or have been transported by a carrier from a shipper to a receiver. As used in this application, the terms "package," "parcel," "shipment," and "item" refer to any object or set of objects sent from one entity to

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another via a courier or delivery service, regardless of what encloses the item (e.g., an envelope or box) or what entity transports it (e.g., postal service, Federal Express, United Parcel Service, etc.).

As can be seen, the shipper of Robbins would clearly correspond to the Projects for Hope organization itself. In the Examiner's remarks, the Examiner attempts to equate the contributor of claim 1 with the shipper of Robbins. However, the contributor of claim 1 certainly does not "ship" the goods to the ultimate destination (e.g. Mexico for Project PH0001). Rather, the contributor merely provides a donation to, for example, the Projects for Hope organization, and the Projects for Hope organization would ship the goods and/or services to the ultimate destination.

Notably, Robbins only appears to provide the shipper and receiver with the tracking data. As it relates to Projects for Hope, Robbins would thus allow the Projects for Hope organization and the receiver (presumably an organization in, for example, Mexico for project PH0001) to access the tracking data of goods and/or services sent by the Projects for Hope organization. Robbins clearly does not, however, teach, disclose or suggest providing tracking data to a contributor, such as a contributor of donations to the Projects for Hope organization. More particularly, Projects for Hope and Robbins, taken either alone or in combination, clearly do not teach, disclose or suggest: receiving either directly or indirectly a donation from a contributor; assigning the donation to a delivery lot; delivering the delivery lot to one or more people in need; obtaining the location of the delivery lot at one or more points in time; or providing the location of the delivery lot to the contributor (e.g. the contributor whose donation was assigned to the

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delivery lot) at one or more points in time, as recited in claim 1.

Notably, the flaw in the Examiner's reading of Robbins is further evidenced on, for example, page 5 of the present Office Action, wherein the Examiner states:

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope to include delivering said delivery lot; and that said reporting step includes obtaining the location of said delivery lot at one or more points in time during the delivery of said delivery lot; and providing the location of the delivery lot to the contributor at one or more points in time, as disclosed by Robbins, because it would advantageously allow the use said method for managing and monitoring the delivery status of plurality of various shipments, tens or hundreds of which may be en route at any give time (Robbins; [0004]).

(emphasis added). As can be seen, the Examiner first equates the shipper with the contributor, which as detailed above, is clearly improper. Then, the Examiner states that the reason for providing the location of the delivery lot to the contributor is "for managing and monitoring the delivery status of plurality of various shipments, tens or hundreds of which may be en route at any give time". However, only the shipper (and not the contributor) would be interested in "managing and monitoring the delivery status of plurality of various shipments, tens or hundreds of which may be en route at any give time." For these and other reasons, the Applicant believes that the Examiner's reading and application of Robbins is clearly erroneous. For these and other reasons, claim 1 is believed to be clearly patentable over Projects for Hope in view of Robbins. For similar and other reasons, claims 2-29 are also believed to be clearly in condition for allowance.

On page 10 of the Office Action, the Examiner rejected claims 30-31 under 35 U.S.C. §

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103(a) as being unpatentable over Projects for Hope in view of Robbins and further in view of Burke. Again, the Examiner attempts to equate the “projects” of Projects for Hope with the “delivery lots” of claim 30. For the reasons set forth above, the “projects” of Project for Hope cannot be equated with the “delivery lots” of claim 30. In addition, the Examiner acknowledges that Projects for Hope does not teach sending a funded delivery lot once the delivery lot is fully funded. However, the Examiner states that Robbins teaches a method for tracking delivery items. For the reasons set forth above, as well as other reasons, claims 30-31 are believed to be clearly patentable over Projects for Hope in view of Robbins and further in view of Burke

The Examiner also states that Burke suggests a method for facilitating the making of donations, wherein contributors are provided with opportunities to make donations at cash registers via electronic transfer, and wherein said electronic transfer of all contributions allocated to each charity is conducted after said contributions are accumulated until a sufficient amount is achieved to be acceptable of the recipient, thereby indicating the fully funded feature.

Burke appears to only relate to cash donations given at cash registers, and the purpose of accumulating the transfer of the cash donations before transfer appears to be to streamline and reduce the number of electronic transfers that must be made from each store. It is unclear why one skilled in the art would apply Burke to delivery lots of goods and/or services that need to be funded by contributors. The only motivation to do so would appear to come from Applicant's own specification.

Despite the foregoing, claim 30 has been amended to recite:

30. (Currently Amended) A computer assisted method for increasing

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the participation of contributors that provide donations to an organization, wherein the organization helps provide cash, goods and/or services to one or more charitable organizations and/or one or more people in need, the method comprising the steps of:

displaying one or more delivery lots ~~of goods and/or services~~ to a contributor that need to be funded;
accepting a selection of one or more of the available delivery lots by the contributor, and accepting a donation thereto; ~~and~~
sending a funded delivery lot once the delivery lot is fully funded;
obtaining location information for the funded delivery lot after the funded delivery lot is sent;
providing the location information to those contributors that provided donations to the funded delivery lot; and
wherein a computer processor assists in performing one or more of the displaying, accepting, ~~and sending, obtaining and providing~~ steps.

For the reasons set forth above, as well as other reasons, claim 30 is believed to be clearly in condition for allowance. Claim 31 has been canceled without prejudice.

Applicant has added new claims 33-36. New claim 33 recites:

33. (New) A computer assisted method for increasing the participation of contributors that provide donations to a charity or other non-profit, the method comprising:

storing two or more donations made by contributors in a data processing system, wherein the two or more donations are not initially designated as corresponding to any particular resource request of the charity or other non-profit;
using the data processing system to assign two or more of the donations to a resource request, resulting in two or more assigned donations; and
notifying at least some of the contributors that made the two or more assigned donations that their donation now corresponds to the resource request.

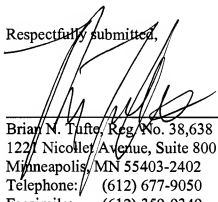
For similar reasons to those detailed above with respect to claim 32, as well as other reasons, claim 33 and dependent claims 34-36 are believed to be clearly patentable over the cited prior art.

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Reply to Office Action dated June 16, 2006

In view of the foregoing, Applicant believes that all pending claims 1-30 and 32-36 are in condition for allowance. Reexamination and reconsideration are respectfully requested. If the Examiner believes it would be beneficial to discuss the application or its examination in any way, please call the Applicant at (612) 359-9348.

Respectfully submitted,

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